



**Steven W. Troxler**  
Commissioner

**North Carolina Department of Agriculture  
and Consumer Services**  
*Veterinary Division*

**David T. Marshall, DVM**  
State Veterinarian

September 21, 2009

Ms. Sarah Hartman, Shelter Manager  
Rutherford County Animal Shelter  
576 Laurel Hill Drive  
Rutherfordton, NC 28139

CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED  
7006 0276 0003 0472 1214

**Notice of Warning**

**Re: Violation of Title 02, N.C. Administrative Code Chapter 52J, Section(s) .0418; .0803**

Dear Ms. Hartman:

Ms. Shelly Swaim, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, conducted an inspection of your animal shelter on September 1, 2009, and found multiple violations of the regulations governing animal euthanasia as set forth in the attached inspection report. Ms. Swaim told you that:

- a) you need complete your euthanasia policy and procedure manual;
- b) you should remove and separate animals housed in a colonized manner prior to euthanizing them so that euthanasia takes place in a calm, orderly environment;
- c) you should avoid using cat tongs to administer IP injections;
- d) you should use a disposable needle no more than three times when euthanizing several animals by IV injection;
- e) you should take proper steps to verify death of each animal before disposal in accordance with 52J .0418 and your own county policies.

Based on the results of the above visit, you may have violated the following Agriculture regulation:

**N.C. GEN. STAT. § 19A-24**

**§ 19A-24. Powers of Board of Agriculture.**

- (a) The Board of Agriculture shall:
  - (5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three

aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process.

## **02 NORTH CAROLINA ADMINISTRATIVE CODE 52J .0418 & .0803**

### **02 NCAC 52J .0418 DUTIES**

A Certified Euthanasia Technician may:

- (1) Prepare animals for euthanasia;
- (2) Record the identification number of the animal, its species, sex, breed description and date, dosages for drugs that are administered and amounts for drugs wasted;
- (3) Order euthanasia supplies;
- (4) Maintain the security of all controlled substances and other drugs in accordance with applicable state and federal laws and regulations;
- (5) Directly supervise probationary Euthanasia Technicians;
- (6) Report to the appropriate government agencies violations or suspicions of a violation of the rules in this Subchapter or any abuse of drugs;
- (7) Euthanize animals;
- (8) Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers, instruments and equipment used in the administration of drugs in accordance with all applicable federal, state and local laws and regulations; and
- (9) Notify the Animal Welfare Section as required in this Section upon leaving employment or volunteer status at a covered facility.

### **02 NCAC 52J .0803 ADDITIONAL CONTENTS**

A certified facility's policy and procedure manual shall be kept consistent with the publications listed below and reflect the current information for each. The manual shall include:

- (1) A copy of the current North Carolina Animal Welfare Act and the rules in this Subchapter;
- (2) A copy of the 2000 Report of the American Veterinary Medical Association Panel on Euthanasia and any future revisions, replacements, supplements or changes thereto issued by that organization;
- (3) A current copy of the Euthanasia Training Manual of the Humane Society of the United States;
- (4) A copy of the publication on euthanasia by the American Humane Association;
- (5) A list of methods of euthanasia allowed at the shelter and the policy and procedures for each method;
- (6) A list of Certified Euthanasia Technicians, the methods of euthanasia in which they have received training, and the date of training;
- (7) The name, address and contact information for the veterinarian responsible for the Annual Program of Veterinary Care;
- (8) The name, address and contact information for veterinarians responsible for the veterinary medical care of the animals. The contact information shall include telephone numbers for working hours, weekends, nights and holidays;
- (9) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- (10) Procedures to follow if no Certified Euthanasia Technician is present and euthanasia of an animal is necessary;
- (11) Methods of verifying death of an animal after a euthanasia process is performed;
- (12) The name and contact information of the supplier of materials. It shall include:
  - (a) Bottled gas (if applicable);
  - (b) Manufacturer of the chamber used to euthanize animals by inhalant gas (if applicable);

- (c) Injectable euthanasia solution;
- (d) Tranquilizer or anesthetic solution;
- (13) Original of U.S. Drug Enforcement Administration certification permitting the use of controlled substances;
- (14) A material safety data sheet for any chemical or gas used for euthanasia in that shelter;
- (15) A material safety data sheet for any anesthetic or tranquilizer used in that facility;
- (16) Notice of the signs and symptoms associated with human exposure to the agents used for euthanasia at the facility;
- (17) First aid for people accidentally exposed to the agents used for euthanasia at the facility; and
- (18) Contact information of the physician or medical facility providing medical treatment to employees of the facility. The information shall include the name of the medical facility, the telephone number for both working and after-hours contact and directions to the medical facility from the certified facility including a map. If the medical facility does not provide service after-hours, on weekends or on holidays, there must be contact information as described in this item for the nearest medical facility, urgent care clinic or emergency room that does provide care during that time.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your certification and that of the facility employing you, the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,



Lee Hunter, DVM  
Director, Animal Welfare Section

BHB/bhb

cc: Mr. Howard Isley, Assistant Commissioner  
Dr. David T. Marshall, State Veterinarian,  
Mr. Barry Bloch, Assistant Attorney General  
Ms. Shelly Swaim, Animal Health Technician